

Student Discipline Policies: Substance Use and Possession

Overview

In the past few years significant changes have occurred in Washington laws regarding discipline in schools. Comprehensive revisions to the state's student discipline rules under [Chapter 392-400 WAC](#) that became effective July 1, 2019 task school districts with:

- Implementing proactive and restorative behavioral supports;
- Eliminating zero-tolerance approaches to behavioral violations; and
- Reducing the use of exclusionary discipline practices

These changes have important implications for school district's policies and practices related to substance-use and substance possession.

Mandatory Suspension or Expulsion



Although some school districts previously adopted policies mandating that students receive a minimum length of suspension or expulsion in response to substance violations, such policies are no longer allowable under state law. School districts may not adopt any zero-tolerance approaches in discipline policies and procedures that require a mandatory suspension or expulsion in response to any behavioral violation other than firearms violations.

Exceptional misconduct. Prior state regulations granted school districts broad discretion to categorize behavioral violations as *exceptional misconduct* and immediately resort to suspension for behavioral violations under that category. Although local discipline policies and procedures often classified substance violations as *exceptional misconduct*, as of July 1, 2019 the regulatory provisions that made this allowable are no longer effective. Before deciding whether any suspension or expulsion and the length of exclusion is warranted, the school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation. See WAC [392-400-430\(2\)](#).

Best practices. School district discipline policies must identify *other forms of discipline* to support students in meeting behavioral expectations, which may include best practices and strategies included in OSPI's [Behavior Menu of Best Practices and Strategies](#). When responding to behavioral violations, school personnel must first attempt one or more *other forms of discipline* before consideration can be given to administering short-term or in-school suspension and must at least first consider one or more *other forms of discipline* before consideration can be given to administering long-term suspension or expulsion. These



provisions of the law apply regardless of whether the substance-related behavioral violation is a first offense or repeated offense See WAC [392-400-110\(1\)\(e\)](#); WAC [392-400-435\(1\)](#); WAC [392-400-440\(1\)](#); WAC [392-400-445\(1\)](#).

Determination of danger or threat. School districts may only resort to using long-term suspension or expulsion based on a determination that the student would pose an imminent danger to others or, in the case of long-term suspension, an imminent threat of material and substantial disruption of the educational process should they return to school before an imposed length of exclusion. See WAC [392-400-440\(2\)](#); WAC [392-400-445\(2\)](#).

Mandatory Assessments and Treatment Services



Some school districts previously were in the practice of attempting to mandate that students receive drug and alcohol assessments or treatment services; such practices are not allowable under state law.

Student discipline due process. School districts may not condition a student's return from a suspension or expulsion on the completion of any sort of assessment or treatment services. In accordance with state law, suspensions and expulsions must have an end date and may not be administered for an indefinite or indeterminate length of time. See RCW [28A.600.015\(1\)](#); RCW [28A.600.020\(6\)](#). A district can reduce the length of a student's suspension based on the commencement of treatment services, which may include substance-related assessments. See RCW [28A.600.410](#). However, even if a student agrees to voluntary assessment or treatment services as a condition of exclusionary discipline, school districts must make reasonable efforts to return a student to their regular educational setting prior to the end date of suspension or expulsion. See RCW [28A.600.020\(6\)](#); WAC [392-400-430\(5\)](#).

Assessment and treatment requirements. School districts do not have the legal authority to order a student to participate in substance use treatment services. Nor can district personnel require a parent or student to agree to a student's participation in substance use treatment services under any circumstances. If necessary treatment services are available to the student and the student wants to receive the services, students who are thirteen years of age or older may receive outpatient treatment or admit themselves to in-patient substance abuse treatment without parental consent. However, parental authorization is required for inpatient or outpatient treatment of a student under the age of thirteen. See RCW [71.34.500](#); RCW [71.34.530](#). If school district personnel contact an inpatient treatment program to refer a student of any age, the school district must provide parental notice of the contact within forty-eight hours. See RCW [71.34.305](#).

Resources and Contact Information

OSPI's [Student Discipline](#) webpage:

- [Student Discipline Rules Q&A: A Technical Guide](#)
- [Implementing Student Discipline Policies and Procedures](#)
- [Student Discipline Training](#)

OSPI's [Substance Use Prevention & Intervention](#) webpage:

- [Students Who Smoke or Vape: A Red Flag for Supports](#)

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